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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2018/2002

This the 21st day of October, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Sardar Singh S/o Jai Lal  
R/o Village Mohammadpur, Najafgarh,  
New Delhi.
2. Ram Prasad S/o Banuram,  
R/o Juggi N. 18,  
Near Delhi High Court,  
Shershah Road,  
New Delhi.

...Applicants.

(By Advocate: Ms. Anu Mehta)

Versus

1. Secretary, Department of Culture (GOI)  
Ministry of Human Resources & Development  
Shastri Bhawan, New Delhi.
2. Director-General Incharge  
Archaeological Survey of India  
Janpath, New Delhi.
3. Superintendent ASI, Delhi Circle,  
Safdarjung Tomb, New Delhi


...Respondents.

(By Advocate: Sh. R.P. Aggarwal)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking following reliefs:

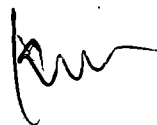
- a) direct the respondents to reinstate the applicants;
  - b) direct the respondents to grant temporary status to the applicants in terms of their seniority;
  - c) direct the respondents to give out the report of Survey Committee with regard to creation of Group 'C' posts.
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d) direct the respondents to pay the applicants the arrears and other service entitlements as due to permanent Group 'C' employees since the time of their engagement.

e) award the cost of the application.

2. Facts in brief as alleged by the applicant are that the applicants had been working with the Archaeological Survey of India (ASI) since 1970 and 1984 as the skilled workmen/Masons. has made various representations to ASI to grant him temporary status and permanent status in the organisation of the respondents. So far applicants have earlier filed OA No.1290/89 which was decided on 5.2.93 wherein respondents were given a direction that they should consider requisite number of regular posts in which applicant should be regularised subject to fulfilment of requisite qualifications and they should also be given relaxation in age to the extent of service already put in by themselves. Till they are regularised, the respondents shall pay to the applicants wages in accordance with relevant instructions issued by the Department of Personnel & Training from time to time.

3. Applicants claim that though the department had conducted some sort of interview but have regularised certain persons who were junior to the petitioners. Since the applicants are senior, they have a prior right to be regularised. Applicant also submitted that they are entitled to be regularised as per the scheme of DOP&T itself.



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4. Respondents are contesting the OA. Respondents pleaded that in pursuance of earlier order in OA 1290/89, an Expert Committee was constituted who had recommended creation of 73 posts of Group 'C' and 'D'. Out of that 46 posts of Group 'D' were created. However, a Committee consisting of Director (Administration), ASI, Senior Analyst, Ministry of Finance and Superintending Archaeologist, ASI Delhi /circle in pursuance of the order in OA-513/99. The committee examined the matter in detail and submitted that since there was a direction by the Govt. of India to reduce the civil posts by 10% so no further vacancies were available which could be filled up.

5. However, respondents admit that since there were directions by the court, steps were taken to fill up available post of masons. But at the time of interview held, applicant No.1, namely, Sardar Singh was considered but due to overage his case was referred to competent authority for approval. The matter is pending and on receipt of advise further action will be taken.

6. As regards applicant No.2 is concerned, Ms. Anu Mehta appearing for the applicant stated at bar that applicant No.2 has also appeared in the interview but he has not been selected. So in view of this background, I may mention that as far as the case of Sardar Singh is concerned, this is premature case. Since respondents are still awaiting instructions from DOP&T to see to it that if in his case age relaxation is given by DOP&T the he may be appointed. But as far applicant No.2 is concerned, since he had appeared in interview and has failed and applicant has not challenged non-selection of the applicant No.2 in this OA, so he has no cause of action because applicant has already been considered.

*[Signature]*

7. In view of the above, OA is disposed of with the direction to the respondents that they should follow up the matter at the DOP&T level after obtaining their advise shall pass a reasoned and speaking order in case of applicant No.1. If age relaxation etc. is allowed to applicant No.1, then he may be given appointment as the respondents themselves admit that the case is pending consideration only because of overage. As regards the case of applicant No.2 is concerned, since he has not challenge the selection, *As he is not entitled to any relief he* ~~the OA stands dismissed.~~ OA is, accordingly, disposed of.

  
( KULDIP SINGH )  
Member (J)

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